

MAR 31 2005

BEFORE THE  
LABOR AND INDUSTRIAL RELATIONS COMMISSION  
JEFFERSON CITY, MISSOURI

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

---

**In the Matter of:**      **Objections to Annual Wage Order No. 12, Cape Girardeau County, Missouri**

**On Behalf of:**          **hth companies, inc.**

---

**OBJECTIONS TO ANNUAL WAGE ORDER NO. 12**

COMES NOW hth companies, inc. ("Objector"), by counsel and files the following objection to Annual Wage Order No. 12 for Cape Girardeau County, Missouri. As grounds for its objection, Objector states the following:

1.      Objector is a corporation duly organized and existing under the laws of the State of Missouri, and is qualified to do business in the State of Missouri, and is an affected party within the meaning of Missouri Revised Statutes § 290.262 (Supp. 1994).
2.      Objector has bid on and secured contracts for the construction of public works, throughout the State of Missouri, including Cape Girardeau County. Objector fully intends to bid on such work in the future.
3.      Objector has reason to believe the information submitted on the Contractor's Report of Construction Wage Rates forms for Cape Girardeau County is inaccurate and unreliable. Objector contends the information utilized by the Missouri Division of Labor Standards ("Division"), in establishing the recommended Annual Wage Order No. 12 for the above-named county was inaccurate and unreliable. As such, the rate established for Asbestos Workers in the above-referenced Wage Order does not reflect the actual number of hours worked or the wage actually paid to Asbestos Workers in this county, as required under the Prevailing

Wages on Public Works Act, Mo. Rev. Stat. § 290.210-290.340. *See Central Missouri Plumbing Co.*

4. Objector has reason to believe the Division relied on information submitted on Contractor's Report of Construction Wage Rates forms for Cape Girardeau County which reflected hours worked and wages paid for construction work performed in a county other than the county reflected on the Contractor's Reports. As such, the rate established for Asbestos Workers in the above-referenced wage orders does not reflect the actual number of hours worked or the wage actually paid to Asbestos Workers in this county, as required under the Prevailing Wages on Public Works Act, Mo. Rev. Stat. § 290.210-290.340. *See Central Missouri Plumbing Co.*

WHEREFORE, Objector hth companies, inc. respectfully requests the Department of Labor and Industrial Relations to conduct a hearing before the Labor and Industrial Relations Commission for the purpose of determining the actual hourly rate of wages paid to Asbestos Workers performing work on projects in Cape Girardeau County. Objector further requests that the Department and/or the Commission direct the Division of Labor Standards to make necessary amendments, revisions or corrections to the prevailing hourly wage set for Asbestos Workers in Cape Girardeau County as warranted by the findings of the Commission on this objection. Objector further requests the Commission to order such further and other relief that it deems appropriate under the circumstances.

Respectfully submitted,

CONSTANGY BROOKS & SMITH, LLC

By Stephen P. Schuster  
Stephen P. Schuster #35330  
Nancy M. Leonard #40482  
2600 Grand Blvd., Suite 300  
Kansas City, MO 64108  
(816) 472-6400  
Fax: (816) 472-6401

ATTORNEYS FOR OBJECTOR

CERTIFICATE OF SERVICE

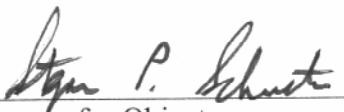
I hereby certify that on this 31<sup>st</sup> day of March, 2005, an original and two (2) copies of the foregoing were sent via Federal Express to be filed with Pamela M. Hofmann, Secretary to Commission, Labor and Industrial Relations Commission, 3315 West Truman Boulevard, P.O. Box 599, Jefferson City, Missouri 65102-0599; and a copy mailed to the following:

Catherine Leaphart  
Director, Department of Labor and Industrial Relations  
3315 West Truman Boulevard, Room 213  
P.O. Box 504  
Jefferson City, MO 65102

Colleen White  
Director, Division of Labor Standards  
3315 West Truman Boulevard  
P.O. Box 449  
Jefferson City, MO 65102-0449

James Boeckman  
Assistant Director  
Division of Labor Standards  
3315 West Truman Boulevard  
P.O. Box 449  
Jefferson City, MO 65102-0449

Michael Pritchett  
Assistant Attorney General  
P.O. Box 899  
Jefferson City, MO 65102

  
\_\_\_\_\_  
Attorney for Objector